



House of Representatives

File No. 733

General Assembly

January Session, 2005

(Reprint of File No. 530)

Substitute House Bill No. 6579
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 6, 2005

AN ACT CONCERNING CRIME VICTIMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-122 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 All matters which are juvenile matters, as provided in section 46b-
4 121, shall be kept separate and apart from all other business of the
5 Superior Court as far as is practicable, except matters transferred
6 under the provisions of section 46b-127, which matters shall be
7 transferred to the regular criminal docket of the Superior Court. Any
8 judge hearing a juvenile matter may, during such hearing, exclude
9 from the room in which such hearing is held any person whose
10 presence is, in the court's opinion, not necessary, except that in
11 delinquency proceedings, any victim [of the delinquent act, the parents
12 or guardian of such victim and any victim advocate appointed
13 pursuant to section 54-221] shall not be excluded unless, after hearing
14 from the parties and the victim and for good cause shown, which shall
15 be clearly and specifically stated on the record, the judge [specifically]

16 orders otherwise. For the purposes of this section, "victim" means a
17 person who is the victim of a delinquent act, a parent or guardian of
18 such person, the legal representative of such person or an advocate
19 appointed for such person pursuant to section 54-221.

20 Sec. 2. Section 54-76h of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2005*):

22 (a) All of the proceedings, except proceedings on the motion under
23 section 54-76c, had under the provisions of sections 54-76b to 54-76n,
24 inclusive, shall be private and shall be conducted in such parts of the
25 courthouse or the building wherein court is located as shall be separate
26 and apart from the other parts of the court which are then being held
27 for proceedings pertaining to adults charged with crimes. If [such] the
28 defendant is committed while [such] the examination and
29 investigation under said sections is pending, before trial, during trial
30 or after judgment and before sentence, those persons in charge of the
31 place of detention shall segregate [such] the defendant, to the extent of
32 their facilities, from defendants over the age of eighteen years charged
33 with crime.

34 (b) In a proceeding under sections 54-76b to 54-76n, inclusive, the
35 court shall not exclude any victim from such proceeding or any
36 portion thereof unless, after hearing from the parties and the victim
37 and for good cause shown, which shall be clearly and specifically
38 stated on the record, the court orders otherwise. For the purposes of
39 this subsection, "victim" means a person who is the victim of a crime
40 for which a youth is charged, a parent or guardian of such person, the
41 legal representative of such person or an advocate appointed for such
42 person pursuant to section 54-221.

43 Sec. 3. (NEW) (*Effective October 1, 2005*) In a proceeding under
44 sections 54-76b to 54-76n, inclusive, of the general statutes concerning
45 the acceptance of a plea pursuant to a plea agreement entered into by a
46 youth or the imposition of sentence upon such youth, the court shall
47 permit any victim of the crime for which such youth is charged to

48 submit a written statement for the record, or to appear before the court
 49 and make a statement for the record, regarding such plea agreement or
 50 sentence.

51 Sec. 4. Subsection (a) of section 54-222a of the general statutes is
 52 repealed and the following is substituted in lieu thereof (*Effective*
 53 *October 1, 2005*):

54 (a) Whenever a peace officer determines that a crime has been
 55 committed, such officer shall: [render] (1) Render immediate assistance
 56 to any crime victim, [of such crime] including obtaining medical
 57 assistance for any such crime victim if such assistance is required; [,
 58 shall] (2) present a card prepared by the Office of the Chief Court
 59 Administrator to [a] the crime victim [who has suffered physical
 60 injury] informing the crime victim of services available and the rights
 61 of crime victims in this state; and [shall] (3) refer the crime victim to
 62 the Office of Victim Services for additional information on rights and
 63 services. A peace officer shall not be liable for failing to present an
 64 informational card to any crime victim as provided in subdivision (2)
 65 of this subsection or for failing to refer any crime victim to the Office of
 66 Victim Services as provided in subdivision (3) of this subsection. For
 67 the purposes of this subsection, "crime victim" shall have the same
 68 meaning as provided in section 1-1k.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	46b-122
Sec. 2	<i>October 1, 2005</i>	54-76h
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	54-222a(a)

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Judicial Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill provides for the inclusion of victims in certain juvenile matters before the Superior Court, subject to approval by the court. Any workload increase associated with these changes could be accommodated without requiring additional appropriations.

House Amendment "A" specifies that peace officers shall not be personally liable for failing to present an informational card to any crime victim or to refer any crime victim to the Office of Victim Services. There is no related fiscal impact.

OLR Bill Analysis

sHB 6579 (as amended by House "A")*

AN ACT CONCERNING CRIME VICTIMS IN JUVENILE AND YOUTHFUL OFFENDER PROCEEDINGS**SUMMARY:**

This bill prohibits judges from excluding victims from youthful offender (YO) or juvenile delinquency proceedings unless they find good cause for doing so after hearing from the parties and the victim. Judges must clearly and specifically state their reasons on the record. It requires courts, in YO proceedings, to allow crime victims to make a statement before the court accepts a plea agreement or imposes a sentence based on a plea. It defines "victim" as the crime victim or his parent or guardian, legal representative, or court-appointed victim advocate.

Under current law, YO and juvenile delinquency proceedings are generally private. However, (1) the first step in the YO process where a motion is made for an investigation to determine eligibility is open to the public and (2) a judge must issue an order to bar a victim or his parent, guardian, or court-appointed victim advocate from juvenile delinquency proceedings.

Lastly, the bill absolves peace officers of liability for failing to comply with the law's requirement to provide crime victims with certain information. Specifically, peace officers are not liable for failing to (1) present a card to crime victims that informs them of their rights and available services or (2) refer them to the Office of Victim Services for additional information about their rights or services. By law, "crime victim" are people who suffer direct or threatened physical, emotional, or financial harm as a result of a crime, including the immediate family of a minor, incompetent, or deceased victim or anyone designated by a deceased victim.

*House Amendment "A" adds the provision on peace officers.

EFFECTIVE DATE: October 1, 2005

BACKGROUND

Youthful Offenders

A YO is a 16- or 17-year-old who (1) has not previously been (a) convicted of a felony, (b) adjudged to be a serious or serious repeat juvenile offender, or (c) permitted to take accelerated rehabilitation and (2) has been charged with any crime other than:

1. a class A felony,
2. risk of injury to a minor involving contact with the intimate parts of a minor under age 16, or
3. various degrees of sexual assault.

If the court grants YO status, the information and proceedings are confidential and do not become a part of the person's criminal record.

Court-Appointed Victim Advocates

If a victim agrees, the law allows a court to appoint any appropriate person to act as an advocate for him. These advocates provide initial screening of personal injury cases, prepare victim statements for placement in court files, provide information needed for more effective case processing, provide information and advice to individual victims, direct victims to services, coordinate victims' applications to the Victim Advocate's Office, and help victims process claims for restitution.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 37 Nay 0